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Report Highlights:

This report is an update of [SP7025](#) and outlines the applicable legislation regarding the export of U.S. food products to Spain and Portugal, particularly those rules that differ from EU legislation or regulation.

Includes PSD Changes: No
Includes Trade Matrix: No
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[SP]

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Notice: This report has been prepared by the Office of Agricultural Affairs, Foreign Agricultural Service, U.S. Department of Agriculture in Madrid, Spain for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in the preparation of this report, we recommended that U.S. exporters ensure that all necessary customs clearance requirements have been verified with local authorities through a local importer before the sale conditions are finalized. Final import approval of any product is always subject to the rules and regulations as interpreted at the port of import at the time of product entry.

SECTION I. FOOD LAW

The Governments of Spain and Portugal (Iberian Peninsula) apply EU regulations and legislation, where available, regarding the importation of food, feed, feed ingredients and beverages. However, current EU legislation does not provide for the diversion of food imported for human consumption to animal feed, even when the imported food remains apt for human consumption. As an example, salmon filets, certified in the United States as apt for human consumption, once presented at the ports of import in the Iberian Peninsula, cannot then be diverted to animal feed, even though the filets continue to be apt for human consumption at the time of import.

In the case of Spain, the ministry of health controls all food imports for human consumption, and the Ministry of the Environment and Rural and Marine Affairs (MARM) controls all imports of animal feed/ingredients. The food for human consumption and ingredients for animal feed require different certifications and paperwork, even though it is commonly understood that if the food/ingredient is apt for human consumption, it should also be “apt” for animal consumption.

This void in EU legislation creates inflexibilities for importers and exporters. While we would normally think that, using the above example, salmon filets would be worth more in the human food chain that is not necessarily the case. Pet food manufacturers may from time-to-time be in position to pay premium prices for pet-food ingredients.

The Spanish MARM and the Ministry of Health (MOH), to their credit, are negotiating a protocol that may add the needed flexibility to current legislation to permit the use of ingredients apt for human consumption to be used in animal feed. This should also be resolved at the EU level to permit EU importers more flexibility in their purchases.

SECTION II. LABELING REQUIREMENTS

Spain and Portugal apply EU-harmonized legislation to:

- General Labeling Requirements
- Nutritional Labeling
- Product-Specific Labeling
- GMO's and Novel Foods Labeling

Both Governments permit multi-language labeling and stickers, however, the Government of Spain requires, at a minimum, the labeling in Spanish and the Government of Portugal requires Portuguese.

For detailed information on the EU-harmonized labeling legislation, please consult the EU-27 FAIRS report, [E48078](#) as well as the website <http://www.useu.be/agri/label.html>.

SECTION III. PACKAGING AND CONTAINER REGULATIONS

Spain and Portugal apply EU-harmonized legislation to packaging and containers.

For detailed information on the EU-harmonized legislation on packaging and container regulations, please consult the EU-27 FAIRS report, [E48078](#) as well as the website www.useu.be/agri/packaging.html.

SECTION IV. FOOD ADDITIVE REGULATIONS

Spain and Portugal apply EU-harmonized legislation regarding food additives.

For detailed information on the EU-harmonized legislation on food additive regulations, please consult the EU-27 FAIRS report, [E48078](#) as well as the website www.useu.be/agri/additive.html.

SECTION V. PESTICIDE AND CONTAMINANTS

Spain and Portugal apply completely the EU-harmonized legislation on pesticide and contaminants, however, where the EU does not have a maximum residue level (MRLs) for a given pesticide or contaminant specific they apply national limits.

The complete list of the MRLs, and commodity combinations allowed in the EU can be obtained from the Commission's webpage at http://ec.europa.eu/food/plant/protection/pesticides/index_en.htm

When a pesticide is not listed under the EU harmonized MRL's list, it will likely be subject to either Spanish or Portuguese legislation as listed in the following Web Pages:

Spain at the Spanish Ministry of Agriculture webpage, <http://www.mapa.es/es/agricultura/pags/fitos/registro/menu.asp>;

Portugal at the Portuguese Ministry of Agriculture webpage, <http://www.dgpc.min-agricultura.pt>.

For detailed information on the EU-harmonized legislation on pesticide and contaminant regulations, please consult the EU-27 FAIRS report, [E48078](#) as well as the website www.useu.be/agri/pesticides.html.

SECTION VI. OTHER REGULATIONS AND REQUIREMENTS

The Spanish and Portuguese Governments apply the EU-harmonized legislation other regulations and requirements including product inspection, registration and certification.

For detailed information on the EU-harmonized legislation on other regulations and requirements, please consult the EU-27 FAIRS report, [E48078](#). Also, for detailed information on certification, please consult the following websites:

- Certificates for Plant Products - <http://www.useu.be/agri/plantcertif.html>
- Certificates for Animal Products - <http://www.useu.be/agri/certification.html>
- Certificates for Processed Foods - <http://www.useu.be/agri/foodcertif.html>

SECTION VII. OTHER SPECIFIC STANDARDS

For detailed information on the EU-harmonized legislation on other specific standards, please consult the EU-27 FAIRS report, [E48078](#). Also, detailed information may also be obtained at the following websites:

- GMO's - <http://www.useu.be/agri/GMOs.html>
- Novel Foods - <http://www.useu.be/agri/novelfood.html>
- Dietetic or Special Use Foods - <http://www.useu.be/agri/partnutr.html>
- Wine, Beer and Other Alcoholic Beverages - <http://www.useu.be/agri/wine.html>
- Organic Foods - <http://www.useu.be/agri/organic.html>
- Vertical Legislation (Breakfast Directives) - <http://www.useu.be/agri/vertic.html>
- Beef Labeling - <http://www.useu.be/agri/label.html>
- Egg Labeling - <http://www.useu.be/agri/label.html>
- Frozen Foods - <http://www.useu.be/agri/frozen.html>
- Irradiated Foods - <http://www.useu.be/agri/irradiation.html>
- Fruits and Vegetables - <http://www.useu.be/agri/Fruit-Veg.html>
- Seafood - <http://www.useu.be/agri/seafood2.html>

SECTION VIII. COPYRIGHT AND/OR TRADEMARK LAWS

Both Spain and Portugal are signatory to the Paris Convention for the Protection of Industrial Property (WIPO), parties to the Madrid Agreement on International Registration of Trademarks and Prevention of the Use of False Origins. Both the Trademark and the Intellectual Property Laws address protection of brand names and trademarks.

For detailed information on the EU-harmonized legislation on copyright and/or trademark laws, please consult the EU-27 FAIRS report, [E48078](#) as well as [Council Directive 89/104/EEC](#).

SECTION IX. IMPORT PROCEDURES

First Step to Enter the Iberian Peninsula Market

The U.S. exporter interested in introducing a product into the Iberian Peninsula market will likely obtain greater success by locating local representation and/or an importer/distributor. The advantages of this contact include market knowledge, up-to-date information and guidance on trade laws and business practices, sales contacts, and market development expertise. The local importer is the first responsible to either the Spanish Government or the Portuguese Government for the imported food products when they enter the Spanish or the Portuguese territories. Therefore, the Spanish or the Portuguese importer will be in position to guide the exporter through the market-entry process.

Import Documentation

The following documents are required for ocean or air cargo shipments of food products to Spain and Portugal:

Bill of Lading and/or Airway Bill
 Commercial Invoice
 Phytosanitary Certificate and/or Health Certificate when applicable
 See SECTION VI. Other Regulations and Requirements.
 Import Certificate

Most food products require an Import Certificate issued by the competent Portuguese and/or Spanish authorities. However, the importer must obtain the import certificate, which is intended for tariff classification purposes.

Temporary Entry

An exporter may transit agricultural products through the Iberian Peninsula territory under temporary duty-free admission. Temporary entry may be permitted for goods in transit (up to 24 months), manufacturing for re-export, and/or for temporary storage. Generally, the exporter must pay normally applied import duties and VAT, which are then reimbursed when the exporter re-exports the merchandise to a destination outside the EU.

Samples and Advertising Materials

Spain and Portugal grant duty free entry to giveaway samples properly labeled. Samples are, however, subject to the same import documentation requirements that apply to ordinary commercial imports and require a symbolic value for customs declaration purposes on the commercial invoice, which must carry the statement “Samples Without Commercial Value”.

For detailed information on the EU-harmonized legislation on import procedures, please consult the EU-27 FAIRS report, [E48078](#).

Iberian Peninsula Market Access Reports

FAS/Madrid has developed Iberian Peninsula Market Access reports for fishery product, tree nuts products and pulses, as follows:

Spain

- ❖ Fishery product, SP5037, [Market Access for Fishery Products](#)
- ❖ Tree nuts products, SP6002, [Market Access for Tree Nuts](#)
- ❖ Pulses products, SP6017, [Market Access for Pulses](#).

Portugal

- ❖ Fishery product, PO5023, [Market Access for Fishery Products](#)
- ❖ Tree nuts products, PO6002, [Market Access for Tree Nuts](#)
- ❖ Pulses products, PO6007, [Market Access for Pulses](#).

APPENDIX I – MAJOR REGULATORY AGENCIES

PORTUGAL

Autoridade de Segurança Alimentar e Económica (ASAE)
(Portuguese Food Safety and Economic Agency)
Av. Conde Valbom, 96
1050-070 LISBOA
Tel. 351-217983600
Fax 351-217983654
email: correio.asae@asae.pt
<http://www.asae.pt/>

Direcção Geral de Protecção das Culturas
(General Directorate for Crop Protection)
Estação Agronómica Nacional

Quinta do Marquês
2780-155 OEIRAS
Tel. 351-214464051
Fax 351-214420616
Email: dgadr@dgadr.min-agricultura.pt
<http://www.dgadr.pt/default.aspx>

Direcção Geral da Veterinária
(General Directorate for Veterinary Services)
Lg. Academia Nacional das Belas Artes, 2
1249-105 LISBOA
Tel. 351-213239500
Fax 351-213239694
Email: veterinaria@mail.telepac.pt
www.dgv.min-agricultura.pt

Direcção Geral da Saúde
(General Directorate for Health)
Alameda D. Afonso Henriques, 45
1000 LISBOA
Tel. 351-218430500
Fax 351-218430530
www.dgs.pt

Ministério da Agricultura
Gabinete de Planeamento e Política
Agro-Alimentar
Rua Pd. António Vieira, 1
1099-073 LISBOA
Tel. 351-213819300
Fax 351-213873934
Email: gppaa@gppaa.min-agricultura.pt
<http://www.gppaa.min-agricultura.pt/>

(Ministry of Agriculture)
(Planning and Policy Cabinet for
Agricultural Food Products)

Direcção Geral da Alfandega
(Customs General Directorate)
Terreiro do Trigo
1100 Lisboa
Tel. 351-218861059
Fax 351-218883686
Email: dgaiec@dgaiec.min-financas.pt
www.dgaiec.min-financas.pt

Direcção Geral da Alfandega e Dos Impostos Especiais sobre o Consumo
(Customs and Special Taxation on Consumption General Directorate)
Direcção de Serviços do Licenciamento **(Import Certificates)**
R. Terreiro do Trigo
Edif. Alfândega
1149-060 Lisboa
Tel. 351-218814262
Fax 351-218814261
Email: dsl@dgaiec.min-financas.pt
www.dgaiec.min-financas.pt

SPAIN**MINISTRY OF PUBLIC HEALTH****Imported Foodstuffs, Infections and Compound Residues, Health Certification, Port Inspection and EU Alerts**

Subdirección General de Sanidad Exterior

Ministerio de Sanidad y Consumo

Paseo del Prado, 18 y 20

28014 Madrid

Phone: (34-91) 596-2038

Fax: (34-91) 596-2047

Website: <http://www.msc.es/profesionales/saludPublica/sanidadExterior/inforGeneral.htm>

E-mail : sanixext@msc.es

Food Safety Agency

AGENCIA ESPAÑOLA DE SEGURIDAD ALIMENTARIA (AESa)

Alcalá, 56

28071 Madrid

Website: www.aesa.msc.es

E-mail: comunicacionAesa@msc.es

Fax: (34-91) 338-0375

MINISTRY OF AGRICULTURE, FISHERIES AND FOOD**Plant Health Unit, inspection and certification**

Subdirección General de Sanidad Vegetal

Ministerio de Agricultura, Pesca y Alimentación

Avda. Ciudad de Barcelona, 6

28007 Madrid

Phone: (34-91) 347-8258

Fax: (34-91) 347-8263

Animal Health Unit, inspection and certification

Subdirección General de Sanidad Animal

Ministerio de Agricultura, Pesca y Alimentación

Velázquez, 147

28002 Madrid

Phone: (34-91) 347-8295

Fax: (34-91) 347-8299

Planting seeds and Nursery Products, governing several seed trade aspects such as import requirements, seed registration and certification, and the commercial seed catalog.

Registro de Variedades Vegetales

Ctra. de la Coruña, Km. 7,5

28040 Madrid

Phone: (34-91) 347-6908

Fax: (34-91) 347-4168

Pesticides, Registration and MRLS establishment:

Subdirección General de Medios de Producción Agrícola

Ministerio de Agricultura, Pesca y Alimentación

Avda. Ciudad de Barcelona, 118

2007 Madrid

Phone: (34-91) 347-8291; Fax: (34-91) 347-8316

EU Trademark Register

Office for Harmonization in the Internal Market

Avenida Aguilera, 20

03080 Alicante

Tel: (34 96) 513-9100

Fax: (34 96) 513-9173

Registro Especial de Gestion Aduanera

Direccion General de Aduanas

Ministerio de Economia y Hacienda

Guzman El Bueno, 132

28003 Madrid

Registro General Sanitario de Alimentos

Alcalá, 56

28071 Madrid

Phone: (34) 91 338-0432

Fax: (34) 91 338-0932

Website: <http://www.aesan.msc.es/aesa/web/AesaPageServer?idpage=56&idcontent=5546>

APPENDIX II – OTHER IMPORT SPECIALIST CONTACTS

The USDA/Foreign Agricultural Service Office for the Iberian Peninsula, located in Madrid, Spain, can also assist U.S. exporters in obtaining specific national legislation on all food product directives. You may contact us at the following address:

SPAIN & PORTUGAL

Foreign Agricultural Service

American Embassy, Madrid

PSC 61, Box 20

APO AE 09642

Tel. 34-915872555

Fax: 34-915872556

Email: AgMadrid@usda.gov

<http://www.embusa.es/fas/index.html>

American Embassy, Madrid

Serrano, 75 – Box 20

28006 Madrid

Spain